

AMENDED IN SENATE APRIL 7, 1997

**SENATE BILL**

**No. 1140**

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**Introduced by Committee on Health and Human Services  
(Senators Watson (Chair), Hughes, Polanco, Solis,  
Thompson, and Vasconcellos)**

February 28, 1997

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An act to amend Section 14007.5 of, ~~and to add Section 14005.10 to,~~ the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1140, as amended, Committee on Health and Human Services. Medi-Cal.

Existing law provides for the State Supplementary Program for the Aged, Blind and Disabled (SSP), which requires the State Department of Social Services to contract with the United States Secretary of Health and Human Services to make payments to SSP recipients to supplement supplemental security income (SSI) payments made available pursuant to the federal Social Security Act.

~~Under existing law, categorically needy individuals, including those persons eligible for SSI/SSP benefits, may receive full Medi-Cal benefits without a share of cost requirements, while low-income persons who do not meet the requirements of the categorically needy class of eligibility for Medi-Cal benefits but who meet income and other requirements, may receive Medi-Cal benefits as medically needy persons, subject to a share of cost requirement.~~

~~This bill would specify that persons who were made ineligible for federal SSI benefits immediately by changes in eligibility due to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall be eligible for benefits as categorically needy if their incomes do not exceed 100% of the federal poverty level and their resources do not exceed those of the medically needy.~~

Under existing law an alien is eligible for the full scope of Medi-Cal benefits if the alien has been lawfully admitted for permanent residence, or is otherwise permanently residing in the United States under color of law, and provides for limited Medi-Cal eligibility with respect to other aliens.

This bill would revise the eligibility requirements for aliens to eliminate the limited Medi-Cal eligibility category of aliens whose immigration status has been adjusted to lawful temporary resident or lawful permanent residence in accordance with federal law.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1   ~~SECTION 1. Section 14005.10 is added to the Welfare~~  
2   ~~and Institutions Code, to read:~~  
3   ~~14005.10. Any aged or disabled person whose~~  
4   ~~eligibility for federal Supplemental Security Income~~  
5   ~~(SSI) benefits was terminated as a result of the federal~~  
6   ~~Personal Responsibility and Work Opportunity~~  
7   ~~Reconciliation Act of 1996 (P.L. 104-193) shall be~~  
8   ~~categorically needy if his or her income does not exceed~~  
9   ~~100 percent of the federal poverty level and his or her~~  
10   ~~resources do not exceed those of the medically needy.~~

11   ~~SEC. 2.—~~

12   ~~SECTION 1. Section 14007.5 of the Welfare and~~  
13   ~~Institutions Code is amended to read:~~

14   ~~14007.5. (a) Aliens shall be eligible for Medi-Cal,~~  
15   ~~whether federally funded or state-funded, only to the~~  
16   ~~same extent as permitted under federal law and~~  
17   ~~regulations for receipt of federal financial participation~~

1 under Title XIX of the Social Security Act, except as  
2 otherwise provided in this section.

3 (b) An alien shall only be eligible for the full scope of  
4 Medi-Cal benefits, if the alien has been lawfully admitted  
5 for permanent residence, or is otherwise permanently  
6 residing in the United States under color of law.

7 For purposes of this section, aliens “permanently  
8 residing in the United States under color of law” shall be  
9 interpreted to include all aliens residing in the United  
10 States with the knowledge and permission of the  
11 Immigration and Naturalization Service and whose  
12 departure the Immigration and Naturalization Service  
13 does not contemplate enforcing .

14 (c) Any alien who is otherwise eligible for Medi-Cal  
15 services, but who does not meet the requirements under  
16 subdivision (b) , shall only be eligible for care and services  
17 that are necessary for the treatment of an emergency  
18 medical condition and medical care directly related to  
19 the emergency, as defined in federal law, and for  
20 medically necessary pregnancy-related services. For  
21 purposes of this section, the term “emergency medical  
22 condition” means a medical condition manifesting itself  
23 by acute symptoms of sufficient severity, including severe  
24 pain, such that the absence of immediate medical  
25 attention could reasonably be expected to result in any of  
26 the following:

27 (1) Placing the patient’s health in serious jeopardy.

28 (2) Serious impairment to bodily functions.

29 (3) Serious dysfunction to any bodily organ or part. It  
30 is the intent of this section to entitle eligible individuals  
31 to inpatient and outpatient services that are necessary for  
32 the treatment of the emergency medical condition in the  
33 same manner as administered by the department  
34 through regulations and provisions of federal law.

35 (d) Pursuant to Section 14001.2, each county  
36 department shall require that each applicant for, or  
37 beneficiary of, Medi-Cal, including a child, shall provide  
38 his or her social security number account number, or  
39 numbers, if he or she has more than one social security  
40 number.

1 (e) (1) In order to be eligible for benefits under  
2 subdivision (b) , an alien applicant or beneficiary shall  
3 present alien registration documentation or other proof  
4 of satisfactory immigration status from the United States  
5 Immigration and Naturalization Service.

6 (2) Any alien who meets all other program  
7 requirements but who lacks documentation of alien  
8 registration or other proof of satisfactory immigration  
9 status shall be provided a reasonable opportunity to  
10 submit the evidence. For purposes of this paragraph,  
11 “reasonable opportunity” means 30 days or the time it  
12 actually takes the county to process the Medi-Cal  
13 application, whichever is longer.

14 (3) During the reasonable opportunity period under  
15 paragraph (2), the county department shall process the  
16 applicant’s application for medical assistance in a manner  
17 that conforms to its normal processing procedures and  
18 timeframes.

19 (f) (1) The county department shall grant only the  
20 Medi-Cal benefits set forth in subdivision (c) to any  
21 individual who, after 30 calendar days or the time it  
22 actually takes the county to process the Medi-Cal  
23 application, whichever is longer, has failed to submit  
24 documents constituting reasonable evidence indicating a  
25 satisfactory immigration status for Medi-Cal purposes, or  
26 who is reported by the Immigration and Naturalization  
27 Service to lack a satisfactory immigration status for  
28 Medi-Cal purposes.

29 (2) If an alien has been receiving Medi-Cal benefits  
30 based on eligibility established prior to the effective date  
31 of this section and that individual, upon redetermination  
32 of eligibility for benefits, fails to submit documents  
33 constituting reasonable evidence indicating a satisfactory  
34 immigration status for Medi-Cal purposes, the county  
35 department shall discontinue the Medi-Cal benefits,  
36 except for the care and services set forth in subdivision  
37 (d). The county department shall provide adequate  
38 notice to the individual of any adverse action and shall  
39 accord the individual an opportunity for a fair hearing if  
40 he or she requests one.

(g) To the extent permitted by federal law and regulations, an alien applying for services under subdivision (b) shall be granted eligibility for the scope of services to which he or she would otherwise be entitled if, at the time the county department makes the determination about his or her eligibility, the alien meets either of the following requirements:

(1) He or she has not had a reasonable opportunity to submit documents constituting reasonable evidence indicating satisfactory immigration status.

(2) He or she has provided documents constituting reasonable evidence indicating a satisfactory immigration status, but the county department has not received timely verification of the alien's immigration status from the Immigration and Naturalization Service.

(3) The verification process shall protect the privacy of all participants. An alien's immigration status shall be subject to verification by the Immigration and Naturalization Service, to the extent required for receipt of federal financial participation in the Medi-Cal program.

(h) If an alien does not declare status as a lawful permanent resident or alien permanently residing under color of law, or as an alien legalized under Section 210, 210A, or 245A of the federal Immigration and Nationality Act (P.L. 82-414), Medi-Cal coverage under subdivision (c) shall be provided to the individual if he or she is otherwise eligible.

(i) If an alien subject to this section is not fluent in English, the county department shall provide an understandable explanation of the requirements of this section in a language in which the alien is fluent.

(j) Aliens who were receiving long-term care or renal dialysis services (1) on the day prior to the effective date of the amendment to paragraph (1) of subdivision (f) of Section 1 of Chapter 1441 of the Statutes of 1988 at the 1991-92 Regular Session of the Legislature and (2) under the authority of paragraph (1) of subdivision (f) of Section 1 of Chapter 1441 of the Statutes of 1988 as it read on June 30, 1992, shall continue to receive these services.

1 The authority for continuation of long-term care or renal  
2 dialysis services in this subdivision shall not apply to any  
3 person whose long-term care or renal dialysis services end  
4 for any reason after the effective date of the amendment  
5 described in this subdivision.

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